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6/30/86
Signed

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	
	)	
NALCO CHEMICAL COMPANY SITE 626 W. 66th Place Bedford Park, Illinois	)	Docket No. V-W-86-C-013
	)	
	)	
Proceeding Under Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9606(a)	)	
	)	

ADMINISTRATIVE ORDER

This Administrative Order is issued on this date by the United States Environmental Protection Agency (U.S. EPA), to the Nalco Chemical Company, an Illinois corporation, (Respondent), pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), and delegated to the Administrator of the U.S. EPA by Executive Order No. 12316, April 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by U.S. EPA Delegation Nos. 14-14 and 14-14A, the latter of which was issued on April 16, 1984.

The State of Illinois has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. §9606(a).

I. STATEMENT OF PURPOSE

The objective of the U.S. EPA in issuing this Order is to abate any endangerment to public health and welfare and the environment that may result from the release and threatened release of hazardous substances, pollutants or contaminants found at Respondent's Bedford Park, Illinois, facility (the "Site"), by: (1) taking immediate action to prevent further spread of the hazardous substances and to limit human exposure to the hazardous substances at the Site; (2) planning and implementing a study to determine the extent of contamination of the Site with hazardous substances; and (3) performing an evaluation of alternatives for abating long term endangerment to human health, welfare and the environment from hazardous substance contamination of the Site identified by the study.

II. PARTIES BOUND

This Order shall apply to and be binding upon Respondent, the Nalco Chemical Company, and its successors and assigns.

III. FINDINGS OF FACT

Based upon information obtained by U.S. EPA in investigations and sampling of the Site, the U.S. EPA makes the following findings of fact:

1. The Nalco Chemical Company owns and operates a manufacturing facility located at 6216 W. 66th Place, Bedford Park, Illinois (Site).

2. Nalco has been in production at this location since 1936. It produces a variety of speciality chemicals and related products that have included the formulation of pesticides under the Nalco tradename. Nalco has never manufactured 2,4,5-trichlorophenol (2,4,5-TCP) or its pesticide derivatives; however, Nalco formulated products containing 2,4,5-TCP and 2,4,5-trichlorophenate (sodium salt of the phenol) as feedstock between the years of 1940 to 1979. The raw feedstock used in this formulation was in the form of flakes. Nalco used an estimated quantity of 8,500,000 pounds of 2,4,5-TCP and 100,000 pounds of 2,4,5-Trichlorophenate during this period.

3. Nalco estimates that any losses of 2,4,5-TCP, 2,4,5-Trichlorophenate, and pentachlorophenol at the site were primarily due to the transfer of material between storage containers. Most of this material was collected as a solid and disposed of with solid wastes from other plant operations. The remaining yield losses from product formulation were from equipment wash which was combined with contact wastewater from other plant operations. All plant wastewater was cycled through the treatment plant for the removal of oils and solids. The water layer of the treated wastewater was discharged to the Metropolitan Sanitary District of Greater Chicago. The sludge was temporarily stored on-site prior to transport under manifest to a hazardous waste landfill.

4. Surface soil samples were collected at the site by U.S. EPA representatives on July 8, 1985 and December 5, 1985.

The results of analysis of these soil samples revealed amounts of 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) in six on-site samples with a maximum level of 5.2 parts per billion (ppb) dry weight. A priority pollutant scan was performed on some of the samples, and detected toluene, xylenes, and phenanthrene. A Special Analytical Services (SAS) analysis under U.S. EPA's National Control Laboratory program was performed on eight of the samples to determine levels of tetra-, penta-, hexa-, hepta-, and octachlorodibenzo-dioxin and -furan isomers ("dioxin and furan homologues"), 2,4,5-trichorophenol and pentachlorophenol. Two SAS samples detected dioxin homologue levels of 6.0 parts per billion (ppb) and 25.0 ppb tetra-, 415 ppb and 444 ppb penta-, 1132 ppb and 9540 ppb hexa-, 796 ppb and 104000 ppb hepta-,* and 7085 ppb and 8930 ppb octachlorodibenzo-dioxin,* and furan homologue levels of 2.2 ppb and 45.1 ppb tetra-, 14.5 ppb and 405 ppb penta-, 129 ppb and 7070 ppb hexa-, 744 ppb and 25400 ppb hepta-,* and 744 ppb and 1320 ppb octachlorodibenzo-furan.* [The analytical results followed by asterisks are reported as estimated minimums; the actual levels are at least these amounts]. Specific isomer analysis revealed 2,3,7,8-tetrachlorodibenzo-p-dioxin at 5.2 ppb and 2.3. ppb.

5. There is substantially less research data available concerning the toxicity of these dioxin and furan homologues, than there is concerning 2,3,7,8,-TCDD. U.S. EPA has determined, however, that they pose substantial public health concern due to their close structural similarity to 2,3,7,8-TCDD, one of the most toxic compounds ever tested, and to the toxicity data that is available.

U.S. EPA has developed a method of calculating the toxicity of a given concentration of these isomers relative to 2,3,7,8-TCDD. Procedures for determining the equivalent toxicity of the mixture of chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzo-furans (CDFs) are set out in the February 1986 document by the U.S. EPA Risk Assessment Forum (RAF), "Interim Procedures for Estimating Risk Associated with Exposures to Mixtures of Chlorinated Dibenzo-p-dioxins and Dibenzofurans (CDDs and CDFs)." (the "2,3,7,8-TCDD Equivalency Method") The RAF recommends that the 2,3,7,8-TCDD Equivalency Method be used, as an interim science policy, for assessing human health risks from mixtures of CDDs and CDFs. At the same time it recognizes that data gaps currently limit the accuracy of procedures to one to two orders of magnitude method, and that new scientific data may change the basis of the method.

6. When only homologue-specific data are available, the risk assessment under the 2,3,7,8-TCDD Equivalency Method may be based on either of two alternative procedures. One procedure conservatively treats all CDDs and CDFs as if they were as toxic as 2,3,7,8- substituted isomers within the homologous classes. The alternative procedure estimates the distribution of 2,3,7,8 substituted isomers within homologous classes. The U.S. EPA has applied both of the described procedures under the 2,3,7,8-TCDD Equivalency Method to calculate 2,3,7,8TCDD equivalence for mixtures of CDDs and CDFs detected in samples of soil collected at the Site. The sample showing the highest level of CDD and CDF contamination was calculated to have a "2,3,7,8-TCDD equivalence" of 259 to 834 parts per billion ("ppb") using these two methods. The other soil

sample from the Site for which CDD and CDF isomer analysis data is currently available was calculated by U.S. EPA to have "2,3,7,8-TCDD equivalence" of 19 to 217 ppb.

7. 2,3,7,8-TCDD is an extremely toxic synthetic chemical which has been linked to strong carcinogenic and teratogenetic effects in studies performed on animals. It is known to be associated with the manufacture of herbicides formulated with 2,4,5-TCP (which has been used at the Site). Because of the remarkable stability of 2,3,7,8-TCDD in biological systems and because of its toxicity, cumulative effects of even small doses present a major concern. The contamination of soils at the site by 2,3,7,8-TCDD, CDDs, CDFs, 2,4,5-TCP, pentachlorophenol, toluene, and xylene may pose an imminent and substantial endangerment to public health and welfare or the environment.

8. There are private residences beyond the facility to the north. All of the contaminated surface soil samples addressed above came from areas that are 500 to 1000 feet or more from land used for residences. Much of the Site is covered with gravel and/or impervious surfaces. On December 5, 1985, two soil samples were collected from the Site's parking lot property which is adjacent to residences. No 2,3,7,8-TCDD was identified in the samples. SAS analysis of these samples for the presence of dioxin and furan homologues is underway, but results are not yet available.

9. The Agency for Toxic Substance and Disease Registry ("ATSDR") of the United States Department of Health and Human Services in Atlanta, Georgia, has determined that because of the

presence of 2,3,7,8-TCDD at the Site, all public access to the contaminated soils should be restricted until results of additional soil and environmental sampling on the site are made available and assessed. The ATSDR has further determined that long-term controls should be considered for areas at the site with soils contaminated at levels greater than 1 part per billion of 2,3,7,8-TCDD.

10. Subsequent to U.S. EPA testing showing 2,3,7,8-TCDD contamination in soils at two locations at the Site (at levels of 2.2 ppb and 1.9 ppb, wet weight, respectively), Respondent complied with U.S. EPA's request that it cover the areas where the contamination was found with plastic and gravel. The plastic and gravel covering applied by Respondent, if properly maintained, should adequately prevent further spread of and human exposure to the covered hazardous substances for the immediate future. The temporary nature of this covering, and the persistence of the hazardous substances found at the Site, however, create a substantial threat of future release of these hazardous substances unless the full extent of contamination is determined and a long term remedy to the contamination is devised and implemented. Further, the results of the U.S. EPA follow-up sampling reveal the presence of hazardous substance contamination beyond the areas initially covered. Without an adequate cover, such contamination could be further released by windblown dispersion, track out, or possibly run-off. Due to the very high toxicity of the hazardous substances involved, release of any of these contaminants from the Site by any of these pathways may pose a substantial public health concern.

IV. CONCLUSIONS OF LAW

A. The Site and the two loading docks where hazardous substance contamination has been found, are "facilities" as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

B. Respondent is a person as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21).

C. The contaminated soils and constituents therein found at the site are "hazardous substances" as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

D. The apparent spilling of the 2,4,5-TCP and pentachlorophenol materials from the loading docks and the past and potential future migration of hazardous substances away from the loading dock area constitutes actual and threatened "release" of hazardous substances as defined in Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

E. Respondent is a responsible person pursuant to Section 107 of CERCLA, 42 U.S.C. §9607.

V. DETERMINATIONS

Based upon the foregoing Findings of Fact and Conclusion of Law, U.S. EPA has determined that:

A. The actual and threatened release of hazardous substances at the Site may present an imminent and substantial

endangerment to the public health or welfare or the environment.

B. The actions required by this Order are necessary to protect the public health and welfare or the environment.

VI. WORK TO BE PERFORMED

Based upon the foregoing, IT IS HEREBY ORDERED that Respondent shall perform the following tasks at the site (hereinafter, the "Work"):

A. Immediately following the effective date of this Order, and immediately following the discovery of additional areas of soil contamination at or near the Site during the pendency of this Order, the Respondent shall assure that a covering is installed and maintained over any exposed soil area that is found to be contaminated with in excess of 5 ppb 2,3,7,8-TCDD, or 5 ppb "TCDD-equivalence" due to the presence of CDD and CDF isomers on the site in analysis performed by U.S. EPA or Respondent. The cover shall be sufficient to act as an interim measure for preventing the risk of any dispersion of or direct contact with such contaminated soil. The cover shall be maintained so as to prevent any further migration of the contaminant during the term of this Order.

B. Within thirty (30) days of the effective date of this Order, the Respondent shall develop and submit to the U.S. EPA a proposal for further investigation and definition of 2,3,7,8-

TCDD, the specific isomers of CDD and CDF, and 2,4,5-TCP and pentachlorophenol at the facility (the "Study Plan"). Said Study Plan shall contain at least the following tasks:

i) a sampling plan for determining the lateral and vertical extent of 2,3,7,8-TCDD, the specific isomers of CDD and CDF, 2,4,5-TCP, and pentachlorophenol contamination in the soil within the facility and outside the facility, and the source of such contamination. A limited number of samples will be analyzed for volatile organic compounds. The sample plan will include a background sample to determine the source of the above hazardous substances.

ii) a plan for identifying and locating sewer lines, catch basins, buried pipe, crawl spaces under building or loading docks and equipment which may be contaminated with 2,3,7,8-TCDD, CDD, CDF, 2,4,5-TCP or pentachlorophenol and ascertaining the extent of such contamination.

iii) a study of the topographic conditions at the facility which may affect the transmission of 2,3,7,8-TCDD, CDD, CDF, 2,4,5-TCP or pentachlorophenol through surface water runoff or otherwise.

iv) a study of the history of the facility which will identify areas of 2,4,5-TCP handling and formulation and other areas of potential contamination with 2,3,7,8-TCDD, CDDs, CDFs, 2,4,5-TCP or pentachlorophenol.

v) a plan to collect soil samples in the former temporary on-site treatment plant sludge storage area, which was used to hold on-site treatment plant sludge before being transported to a hazardous waste landfill.

vi) a detailed work plan, safety plan and quality assurance/quality control plan for implementation of the tasks set forth above, based upon the Superfund Remedial Investigation Guidance Document issued by U.S. EPA.

vii) a schedule for completion of the Study Plan, and for submittal of a Remedial Investigation Report presenting results of the study.

C. In the event that the vertical extent of 2,3,7,8-TCDD, CDDs, CDFs, 2,4,5-TCP, or pentachlorophenol contamination is found to exceed the depth of the highest seasonal water level underlying the Site (as determined by U.S. Geological Survey or other similar authority), Respondent shall develop and submit an Addendum to the Study Plan within 30 days of such finding proposing geological and hydrogeological studies to determine the extent of such contamination in the groundwater resulting from releases from the Site. Such addendum to the Study Plan shall propose amendments to items VI. B. (vi) and (vii), above.

D. The proposed Study Plan under subparagraph VI. B, an Addendum under subparagraph VI. C. or VI. E., and the Reports required by subparagraphs VI. B. vii and VI. F., shall be subject to review and approval or modification by U.S. EPA. If U.S. EPA

approves a Plan or Addendum, either as originally submitted or as modified pursuant to this subsection, Respondent shall immediately commence implementation of such approved Plan or Addendum in accordance with the schedule contained therein. If U.S. EPA notifies Respondent that modifications to a Plan, Addendum, or Report are required prior to approval, Respondent shall make such modifications and resubmit such Plan, Addendum or Report within 30 days of receipt of U.S. EPA's notification. The resubmitted Plan, Addendum, or Report from Respondent shall be subject to review and approval or disapproval by U.S. EPA. Disapproval of the resubmitted Plan Addendum or Report by U.S. EPA shall constitute notice to Respondent that it is in non-compliance with this Order. Respondent may remedy this non-compliance by resubmitting such Plan Addendum or Report within 10 days of receipt of such notice making the modifications required by U.S. EPA.

E. If U.S. EPA receives the results of any additional analysis of samples from the Site or near the Site that shows that hazardous substances have migrated further than can be determined from data available at the time of issuance of this Order, U.S. EPA may notify Respondent of the need to take immediate action to stop further release or prevent human exposure to such hazardous substances. To the extent that such immediate action is comprised of providing temporary covering over a contaminated surface, Respondent shall provide such covering as a part of the Work required under Section VI. A. of this Order. To the extent that such immediate action goes beyond

requiring a temporary cover over a contaminated surface, U.S. EPA reserves the right to take any action within its authority, including issuance of further orders or taking response action itself, should Respondent fail to take such immediate action. Further, U.S. EPA may notify Respondent that the Study Plan must be expanded to adequately investigate such newly discovered area. Within 30 days of receipt of such notice, Respondent shall submit a proposed Study Plan Addendum, including amendment to items VI. B. (vi) and (vii) as necessary. Such Study Plan Addendum shall be subject to review and approval by U.S. EPA under subparagraph VI. D., supra.

F. Based on the findings in the Remedial Investigation report the Respondent shall develop and submit a Feasibility Study Report of alternative remedial measures to abate the endangerment to health and the environment posed by contamination of the Site identified by the Study performed pursuant to this Order. Such Report shall be submitted to U.S. EPA within 60 days after final approval of the Remedial Investigation Report under subparagraphs VI. B. vii and VI. D., supra. The Feasibility Study Report shall be based upon the Superfund Feasibility Study Guidance Document issued by U.S. EPA, and shall be subject to approval by U.S. EPA pursuant to subparagraph VI. D.

VII. DESIGNATED PROJECT COORDINATORS

Within ten (10) days after the effective date of this Order, U.S. EPA and the Respondent shall each designate a Project

Coordinator. Each Project Coordinator shall be responsible for overseeing the implementation of this Consent Order. The U.S. EPA Project Coordinator will be U.S. EPA's designated representative at the Site. To the maximum extent possible, communications between the Respondent and U.S. EPA, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the Project Coordinators. U.S. EPA and the Respondent each have the right to change their respective Project Coordinator. Such a change shall be accomplished by notifying the other party in writing.

The U.S. EPA designated Project Coordinator shall have the authority vested in the On-Scene Coordinator and the Remedial Project Manager by the National Contingency Plan, 40 C.F.R. Part 300. This includes the authority to halt, conduct, or direct any tasks required by this Order and/or any response actions or portions thereof which may present an immediate and substantial endangerment to public health or welfare or the environment.

The absence of the U.S. EPA Project Coordinator from the Site shall not be cause for the stoppage of the work.

VIII. QUALITY ASSURANCE

The Respondent shall use quality assurance, quality control, and chain of custody procedures in accordance with U.S. EPA Standard Operating Procedures throughout all sample collection and analysis activities. The Respondent shall consult

with U.S. EPA in planning for, and prior to, all sampling and analysis control regarding all samples collected pursuant to this Order, the Respondent shall:

A. Ensure that U.S. EPA personnel and/or U.S. EPA authorized representatives are allowed access to the laboratory(ies) and personnel utilized by the Respondent for analyses.

B. Ensure that the laboratory(ies) utilized by the Respondent for analyses perform such analyses according to U.S. EPA methods or methods deemed satisfactory to U.S. EPA and submit all protocols to be used for analyses to U.S. EPA at least 14 calendar days prior to the commencement of analysis.

C. Ensure that laboratory(ies) utilized by the Respondent for analyses provide quality assurance/quality control data requested by U.S. EPA, including analyses of a reasonable number of samples provided by U.S. EPA to demonstrate the quality of each laboratory's analytical data.

IX. SITE ACCESS

To the extent work under this Order is required on property that is presently owned by parties other than those bound by this Order, the Respondent shall use its best efforts to obtain site access agreements from the present owners within 30 calendar days of the date such work is scheduled to commence. Such agreements shall provide reasonable access to

U.S. EPA and/or its authorized representatives. In the event that Site access agreements are not obtained within the time referenced above, the Respondent shall notify U.S. EPA regarding both the lack of, and efforts to obtain, such agreements within 30 calendar days of the date such work is scheduled to commence.

X. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

The Respondent shall make the results of all sampling and/or tests or other data generated by the Respondent, or on the Respondent's behalf, with respect to the implementation of this Order, available to U.S. EPA and shall submit these results in monthly progress reports. At the request of U.S. EPA, the Respondent shall allow split or duplicate samples to be taken by U.S. EPA and/or its authorized representatives, of any samples collected by the Respondent pursuant to the this Order. The Respondent shall notify U.S. EPA not less than 48 hours in advance of any sample collection activity under this Order.

Respondent shall provide U.S. EPA and/or any U.S. EPA authorized representative access to the Site at all reasonable times for the purposes of, inter alia: inspecting records, operating logs, and contracts related to this Order; reviewing the progress of the Respondent in carrying out the terms of this Order; conducting such tests as U.S. EPA or the Project Coordinator deem necessay; and verifying the data submitted to U.S. EPA by the Respondent. The Respondent shall permit such persons to inspect and copy all records, files, photographs, documents, and other writings, including all sampling and moni-

toring data, pertaining to work undertaken pursuant to this Order. All parties with access to the Site pursuant to this paragraph shall comply with all approved health and safety plans.

The Respondent may assert a confidentiality claim, if appropriate, covering part or all of the information requested by this Order pursuant to 40 C.F.R. §2.203(b). Such an assertion shall be adequately substantiated when the assertion is made. Information determined to be confidential by U.S. EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to U.S. EPA, it may be made available to the public by U.S. EPA without further notice to the Respondent.

XI. RECORD PRESERVATION

Respondent shall preserve, during the pendency of this Order and for a minimum of six (6) years after its termination, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys which relate to this Order, despite any document retention policy to the contrary.

XII. RESERVATION OF RIGHTS

Notwithstanding compliance with the terms of this Order, the Respondent is not released from liability, if any, for any actions beyond the terms of this Order taken by U.S. EPA respecting the Site. EPA reserves the right to

take any enforcement action pursuant to CERCLA and/or any available legal authority, including the right to seek injunctive relief, monetary penalties, and punitive damages for any violation of law or this Order. U.S. EPA expressly reserves all rights that it may have, including U.S. EPA's right both to disapprove of work performed by the Respondent and to request that the Respondent perform tasks in addition to those detailed in the Study Plan, as provided in this Order. In the event that the Respondent declines to perform any additional and/or modified tasks, U.S. EPA will have the right to undertake any further study. In addition, U.S. EPA reserves the right to undertake removal actions and/or remedial action at any time. In either event, U.S. EPA reserves the right to seek reimbursement from the Respondent thereafter for such costs incurred by the United States.

XIII. OTHER CLAIMS

Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous substances, hazardous wstes, pollutants, or contaminants found at, taken to, or taken from the Site.

This Order does not constitute any decision on preauthorization of funds under Section 111(a)(2) of CERCLA.

XIV. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, State, and Federal laws.

XV. PUBLIC COMMENT

Upon final U.S. EPA approval of a Feasibility Study Final Report in subparagraphs VI. F. and VI. D., supra, U.S. EPA shall make the Remedial Investigation Report and the Feasibility Study Report available to the public for review and comment for, at a minimum, a twenty-one (21) day period, pursuant to U.S. EPA's Community Relations Policy. Following the public review and comment period, U.S. EPA shall notify the Respondent which remedial action alternative is approved for the Site.

XVI. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

This Order shall become effective on the fifth (5th) business day following its issuance, unless a conference is requested as hereinafter provided. If a conference is requested, this Order shall be effective on the fifth (5th) business day following the day of the conference, unless modified by the Regional Administrator.

Any Study Plans, schedules, or Study Plan Addenda required by this Order are, upon approval by U.S. EPA, incorporated into this Order. Any noncompliance with such U.S. EPA

approved Plans, schedules, or Addenda shall be considered a failure to achieve the requirements of this Order.

No informal advice, guidance, suggestions, or comments by U.S. EPA regarding reports, plans, specifications, schedules, and any other writing submitted by the Respondent will be construed as relieving the Respondent of its obligation to obtain such formal approval as may be required by this order.

XXI. INTENT TO COMPLY

On or before the effective date of this Administrative Order, Respondent shall provide notice in writing to U.S. EPA stating its intention to comply with the terms hereof. In the event Respondent fails to provide such notice, Respondent shall be deemed not to have complied with the terms of this Administrative Order.

XXII. NOTICES

All notices and reports submitted under the terms of this Administrative Order shall be sent by certified mail, return receipt requested, and addressed to the following:

Margaret Pearce
U.S. EPA, 5HE-12
230 So. Dearborn Street
Chicago, Illinois 60604

Thomas W. Daggett
Associate Regional Counsel
U.S. EPA, 5CS-16
230 So. Dearborn Street
Chicago, Illinois 60604

XXIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review by appointment on weekdays between the hours of 8:00 a.m. and 5:00 p.m., in the Office of Regional Counsel, 16th Floor, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Please contact Mr. Daggett, Associate Regional Counsel, at (312) 353-2094, if you desire to review the Administrative Record.

XXIV. OPPORTUNITY TO CONFER

With respect to the actions required above, you may, within five (5) business days after issuance of this Administrative Order, request a conference with U.S. EPA to discuss this Administrative Order and its applicability to you. Any such conference shall be held within five (5) business days from the date of request. At any conference held pursuant to your request, you may appear in person and by an attorney or other representative. If you desire such a conference, please contact Thomas W. Daggett, Associate Regional Counsel, at (312) 353-2094.

Any comments which you may have regarding this Administrative Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to take, or any other relevant and material issue, must be reduced to writing

and submitted to U.S. EPA within three (3) calendar days following the conference, or if no conference is requested, within five (5) calendar days following the issuance of this Administrative Order.

Any such writing should be sent to Thomas W. Daggett, Associate Regional Counsel, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment; and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.A.C. 9670(a) for the costs of those Government actions.

XXV. PENALTIES FOR NONCOMPLIANCE

Respondents are advised, pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of not more than $5,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Administrative Order, or any portion thereof, without sufficient cause may also subject Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the Government as a result of Respondents' failure to take proper action, pursuant to Section 107(c) (3)

of CERCLA, 42 U.S.C. 9607(c) (3).

Witness my hand in the City of Chicago, State of Illinois on this 30th day of June, 1986

by:

Valdas V. Adamkus
Regional Administrator
United States Environmental Protection Agency
Region V